

REMARKS

The Applicant has amended the Specification to correct minor grammatical and idiomatic errors. Entry into the official file is respectfully requested.

The Applicant confirms the earlier election of Claims 7-27. The Applicant has accordingly canceled now elected Claims 1-6 and 28-30. The Applicant specifically reserves the right to file one or more provisional applications to directed to the subject matter of the canceled claims.

All of Claims 7-27 have been canceled in favor of new Claims 31-48. New Claims 31-48 correspond substantially to Claims 1-21, respectively. Similarly, new Claims 46-48 correspond to Claims 25-27, respectively.

In that regard, new Claim 43 which corresponds to former Claim 19 is substantially a combination of original Claims 19 and 22-24.

The newly submitted claims are submitted with the Examiner's comments in mind concerning the rejection under 35 U.S.C. § 112. The Applicant respectfully submits that the newly submitted claims are free of any objection or rejection under § 112. Of course, the rejection of Claims 7-27 under § 112 is now moot in view of the cancellation of those claims.

As a preliminary matter, the Applicant notes that there are a variety of embodiments of the invention. One particular embodiment is shown in Figs. 1-4. That particular embodiment shows a generally planar circular portion 3 which connects to a substantially perpendicularly oriented substantially cylindrical portion 4. The substantially cylindrical portion 4 has a multiplicity of outwardly extending tabs 5. There is also another outwardly extending tab 6 that is longer than the other tabs 5. The device as shown in Figs. 1-4 is flexible and stretchable such that it can be applied over the opening of a container 1 as shown in Fig. 4 and thereby achieve a seal between the interior of the container 1 and the exterior of the container 1.

The dashed lines in Figs. 3-8 are merely representations of the open and of the cylindrical portion. There is no particular meaning attached to the dashed lines. Of course, formal drawings that will be submitted by the Applicant upon allowance that will more accurately show this structure.

Oftentimes, it is desirable to heat the container 1 with the device already in place and sealed to it. This is the time when the tab 6 as shown in Fig. 2 comes into play. Specifically, prior to placing the container and the device into a heating means such as a microwave oven, the user, as shown in Fig. 2, can pull the lowermost tab 5" outwardly away from the edge of the container to

create a small gap. At that point, the distal most end portion of tab 6 is folded toward the container and into the space between the side of the container and the lower most edge of the device. This creates a small gap or passageway that permits steam to travel from the interior of the container to the outside as the contents of the container are heated and emit water vapor/steam.

That structure is readily distinguished over DE'911 which was applied under 35 U.S. C. § 102 against Claims 7-15, 17-24, 26, and 27. Of course, that rejection is now moot in view of the cancellation of those claims. In any event, DE'911 discloses a flexible, air and fluid tight lid. The lid comprises a thin membrane A from the edge of which extends collar B. The diameter of the collar decreases from the membrane downwardly to a lower edge. Several grasping areas C provide a lower edge of the collar as described in Col. 1 at lines 36-42 and lines 53-55. As shown in Fig. 1 of DE'911, the thickness of the grasping areas is greater than the thickness of the collar.

This is sharply different from Claims 31-39, 41-45, 47, and 48. For example, as specifically recited in independent Claim 31, there is a protruding tab having a greater length than others of the protruding tabs so that the longer tab can be introduced between the envelope and a container to form a passage between an interior and the exterior of the envelope to allow steam to be evacuated during heating of the container. There is utterly no disclosure of such a structure in DE'911. As shown in the DE'911 figures, the grasping areas C are all substantially the same "length" to the extent they have a length and are not suitable for nor designed to have a distal most portion fold toward the container wall to create a gap between the wall and the lid. Accordingly, DE'911 is inapplicable to those claims.

With respect to new Claim 43, there is also no disclosure of at least two protruding tabs which extend in a plane parallel to the plane defined by the generally planar surface of the envelope and wherein the cylindrical portion has a thickness greater than at least a portion of the planar surface and the portion that has a greater thickness is in fluted form. There is utterly no disclosure of that structure which is, for the Examiner's convenience, illustrated in Fig. 11 of the Applicant's drawings. Reference to both the general description and the drawings of DE'911 reveals that there is utterly no fluting and there are utterly no tabs that extend in a plane parallel to the plane defined by the generally planar surface of the envelope. Accordingly, DE'911 does not apply to any of Claims 43-48.

The Applicant acknowledges the rejection of Claims 16 and 25 under 35 U.S.C. § 103 over DE'911. That rejection is now moot in view of the cancellation of those claims. Nonetheless, the Applicant respectfully submits that Claims 40 and 46, which generally correspond to canceled Claims 16 and 25, are patentable for the same reasons set forth above with respect to the other above-mentioned claims.

In light of the foregoing, the Applicant respectfully submits that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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